

**PATENT**  
Attorney Docket No. EMC-01 (22718)  
Orrick No. 16228-4007  
*Cella, et al.*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Charles CELLA, Edward J. KELLY, Matthew P. VINCENT

Title: CONTINGENCY-BASED OPTIONS AND FUTURES FOR  
EVENT TICKETS AND RELATED GOODS AND SERVICES

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**SUPPLEMENTAL PRELIMINARY AMENDMENT**

This is in response to the Examiner's Action dated March 20, 2007, which Action addressed only claims 1-5 but not claims 6, 7, 14-16. A listing of the pending claims as amended begins on page 2. Remarks in response to the Examiner's rejections begin on page 7.

**CLAIMS**

A complete listing of the pending claims, including all prior amendments and the amendments made herein, follows:

1.     **(cancelled)**
2.     **(cancelled)**
3.     **(Currently amended)**     A system of claim [2]18, wherein the playoff game is a participant-game.
4.     **(previously presented)**     A system of claim 3, wherein the participant-game is a team-round-game.
5.     **(previously presented)**     A system for allowing a user to bid on an option to purchase a ticket to a playoff game for which a plurality of participants could qualify to participate but have not yet been selected to qualify for said playoff game, comprising:

a database having stored therein an option or futures record having a team field representative of one of said plurality of participants being a candidate for participation in the playoff game, an event field representative of the playoff game, and a value field representative of a value of a minimum winning bid to purchase an option or future for a ticket for the playoff game on occurrence of a specified participant qualifying to participate in the contingent game; and

a server, in connection with said database, and capable of processing a bid representative of a request to purchase the option or future, and being capable of processing said bid and said option or futures record to adjust the minimum winning bid value and to allocate an option or futures contract to the winning bid.

6. **(Currently amended)** A system for allowing a remote user to purchase, over a distributed computer network, an option or futures contract for a ticket to a playoff sporting game for which a plurality of teams could qualify, which system comprises a host server operative with a program including

(i) ~~a~~ game database connected in communication with said host server, said database including ticket identifiers each representative of a ticket for a contingent participant-game,

(ii) an option or futures bid database in communication with said host server, said option or futures bid database including allocation fields representative of an option or futures bid for each of said plurality of teams for each of said tickets, and

(iii) an interface manager implemented on said server and in communications with said databases;

wherein said interface manager processes option or futures bids from remote users to determine whether to accept the option or futures bid and to update the allocation field.

7. **(previously presented)** A system of claim 6, wherein the participant-game identifiers include team-round-game identifiers.

Claims 8-13. **(cancelled)**

14. **(Currently amended)** A system of claim [2]18, wherein the playoff game is a playoff game for a sport selected from the group consisting of baseball, football, basketball, soccer and hockey.

15. **(New)** A method of electronic commerce, comprising  
identifying a plurality of teams who could qualify for a playoff game;  
providing a plurality of tickets for said playoff game;  
establishing a network-based on-line system for sale of futures contracts to acquire said tickets for the playoff game, wherein each futures contract is exercisable upon occurrence of a designated one of said plurality of teams qualifying for the playoff game, wherein each of said plurality of teams could qualify for said playoff game yet which of said plurality of teams is to appear at the playoff game is unknown at the sale of said futures contract, and

offering said futures contracts for sale for each of said tickets for each of said plurality of teams that could, at the time of the offer for sale, qualify to appear at the playoff game.

16. **(New)** A system for allowing a user to bid on an option to purchase a ticket to a playoff game for which a plurality of participants could qualify to participate but have not qualified for said playoff game, comprising:

a database having stored therein an option record having a team field representative of one of said plurality of participants being a candidate for participation in the playoff game, an event field representative of the playoff game, and a value field representative of a value of a minimum winning bid to purchase an option, the option being an option to purchase a ticket for the playoff game on occurrence of a specified participant qualifying to participate in the contingent game; and

a server, in connection with said database, processing a bid representative of a request to purchase the option, and processing said bid and said option record to allocate an option contract to a winning bid.

17. (new) A method of electronic commerce, comprising:

identifying a plurality of teams each of whom could qualify for participation in a playoff game;

providing a futures contract to acquire tickets to a playoff game should a designated team qualify for said playoff game, wherein said plurality of teams could qualify for said playoff game, which futures contract is exercisable upon occurrence of the designated team qualifying for the playoff game; and

establishing a network-based on-line system for sale of said futures contracts to acquire tickets for a playoff game should a designated team qualify for the playoff game, wherein which team is to appear at the playoff game is unknown at the sale of said futures contract, and futures contracts are offered for sale for each of said tickets for each of said plurality of teams that could, at the time of the offer for sale, qualify appearance at the playoff game.

18. (new) A system for allowing a user to purchase an option or futures contract for a ticket to a contingent game, comprising:

(a) means for identifying a plurality of teams who could qualify for a playoff game;

(b) means for identifying a plurality of tickets for said playoff game for which said plurality of teams could qualify but have not yet qualified for said playoff game at the time of identifying said tickets, each said ticket having associated therewith a designated team selected from among said plurality of identified teams;

(c) a database having stored therein a record associating each of said plurality of tickets with a futures contract to purchase said ticket, each said futures contract being exercisable upon occurrence of the designated team for that ticket qualifying for the playoff game;

(d) a server associated with said database and having means for entering bids to purchase each said futures contract and means for executing a sale of said futures contract based on a winning bid.

19. (new) A system for allowing a user to purchase an option or futures contract for a ticket to a contingent game, comprising:

a database, having stored therein:

(a) a first record for recording an identity of a ticket for a playoff game for which a plurality of eligible teams have not yet qualified at the time of said recording; and

(c) a second record for recording the identity of a designated team selected from the plurality of eligible teams;

the database associating the ticket with a plurality of futures contracts to purchase said ticket, each said futures contract being exercisable to acquire the associated ticket upon occurrence of the designated team qualifying for the playoff game; and

a server associated with said database and having an interface for entering bids to purchase a said futures contract and a program for executing a sale of said futures contract.

### **REMARKS**

In the March 20, 2007 Action, the Examiner allowed claim 5, but rejected claims 1-4 under 35 U.S.C. § 101 and 112. The prior art rejections were withdrawn.

In a conversation with the Examiner on March 26, 2007, applicants attorneys learned that the Examiner had inadvertently omitted from consideration claims 6, 7, and 14-16, but that he would undertake to review them in the next few weeks and thereupon would issue a new Action.

In as much as pending claims have not yet been considered, and the Examiner indicated he would not be able to consider them until at least next week, applicants respectfully submit this Supplemental Preliminary Amendment to cancel claims 1 and 2 and amend claims 3, 6, 14, 15 and 16 as previously submitted in the Preliminary Amendment (claims 1 and 2 having been cancelled and replaced with new claims 17 and 18 respectively; the dependencies of claim 3 and 14 corrected accordingly). Claims 17 - 19 are newly added. A typographic error in claim 6 (changing "an" to "a" in subparagraph (i)) has been corrected. Since the examiner has not considered claims 15-16 yet, the applicant has maintained the labeling of these claims as (new) rather than (currently amended), to reflect that these claims were essentially not entered in the Preliminary Amendment. These changes are being made to overcome the Examiner's rejections under §101 and 112, and expedite the advancement of this application, which was filed almost seven years ago, towards allowance. As presently amended, applicants believe the claims are in condition for allowance and respectfully request consideration of these claims.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully submit that they have made a patentable contribution to the art. Reconsideration and allowance of this application is therefore respectfully requested.

Respectfully submitted,



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